

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 04-11939-JGD

_____)
MICHAEL J. WHALON,)
)
Plaintiff,)
)
v.)
)
CHRISTY'S OF CAPE COD, LLC,)
)
Defendant.)
_____)

UPDATED JOINT STATEMENT

Pursuant to Local Rule 16.1(D), the parties submit their Joint Statement and request that the Court adopt and Order the following proposed schedule:

A. Joint Discovery Plan

The parties request that the Court adopt and order the following updated discovery plan:

1. Written discovery: completed, subject to any follow up, to be served no later than January 31, 2006.
2. Depositions of fact witnesses (non-medical) to be completed no later than January 15, 2006.
3. Depositions of medical witnesses (physicians, therapists, etc.) to be completed no later than March 31, 2006.
4. Plaintiff's trial expert witnesses, if any, are to be disclosed and reports and disclosure required by Fed.R.Civ.P. 26(b) are to be furnished to Defendant's counsel by February 15, 2006.

5. Defendant's trial expert witnesses, if any, are to be disclosed and reports and disclosure required by Rule Fed.R.Civ.P. 26(b) are to be furnished to Plaintiff's counsel by February 28, 2006.

6. All depositions of Rebuttal/Trial Experts are to be completed by March 31, 2006.

B. Proposed Schedule For Filing Motions

1. Dispositive motions must be filed no later than April 30, 2006.
2. Pretrial conference to be scheduled at the Court's convenience after decision of any Summary Judgment motions (possibly April or May 2006).
3. Trial to be scheduled by the court after May 2006.

Date: November 22, 2005

Respectfully submitted.

For the Plaintiff:

/s/ David O. Scott
David O. Scott, BBO # 449165
dsesq@aol.com
Law Office of David O. Scott, P.C.
200 Chauncey Street
Mansfield, MA 02048
(508) 261-7090

For the Defendant:

/s/ Thomas W. Colomb
Michael F.X. Dolan, Jr., BBO # 565876
mdolan@mhtl.com
Thomas W. Colomb, BBO # 638211
tcolomb@mhtl.com
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive, Suite 410
P.O. Box 9126
Quincy, MA 02169-9126
(617) 479-5000